ORDINANCE NO. 2006 -037

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **BROOKS OFFICE III (SCA 2006-00024)**; MODIFYING PAGE 86 OF THE FLUA BY CHANGING APPROXIMATELY 3.04 ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF HYPOLUXO ROAD, 1,100 FEET WEST OF MILITARY TRAIL FROM LOW RESIDENTIAL, 3 UNITS PER ACRE (LR-3) TO COMMERCIAL HIGH-OFFICE, WITH AN UNDERLYING 3 UNITS PER ACRE (CH-O/3); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on May 12, 2006, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on August 23, 2006, to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 86 is amended as follows:

Application No.:	Brooks Office III (SCA 2006-00024)
Amendment:	From Low Residential, 3 units per acre (LR-3) to Commercial High-Office, with an underlying 3 units per acres (CH-O/3)
General Location:	South side of Hypoluxo Road, 1,100 feet west of Military
Size:	Approximately 3.04 acres;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provisions of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the

word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 23rd day of August, 2006.

ATTEST:
SHARON R. BOCK, CLERK

By: _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
for Tony Masilotti, Chairman

John (Jeff) Koon

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 29th day of August, 2006.

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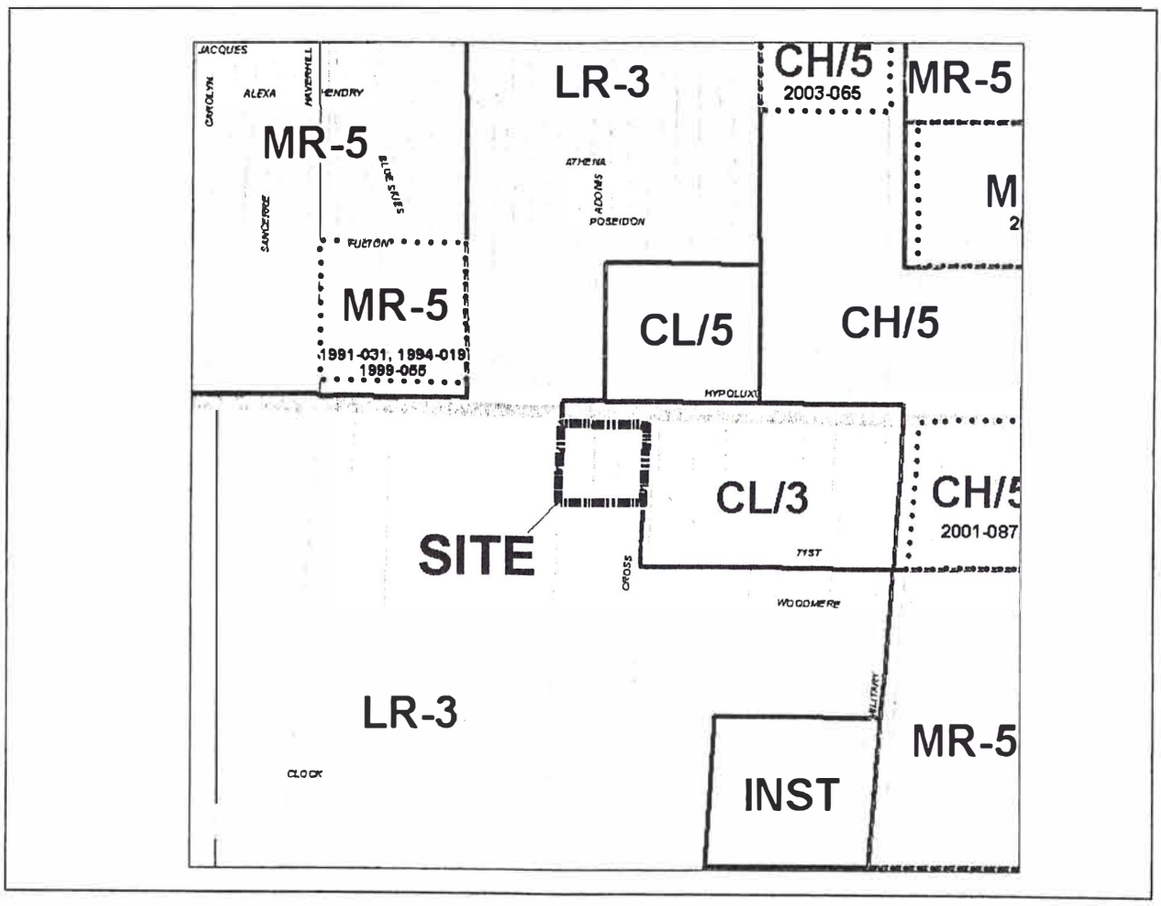
EXHIBIT 1

Amendment No.:	**SCA 2006-00024 (Brooks Office III)**
FLUA Page No.:	86
Amendment:	From Low Residential, 3 units per acre (LR-3) to Commercial High-Office, with an underlying 3 units per acre (CH-O/3)
Location:	South side of Hypoluxo Road, approximately 1,100 feet west of Military Trail.
Size:	Approximately 3.04 acres
Property No.:	00-42-45-12-03-003-0070/0020/0010/0060
Legal Description:	See attached
Conditions:	None



LEGAL DESCRIPTION

PARCEL 1:

THE NORTH ½ OF LOT 3 (TRACT 3), BEING A PART OF THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND INCLUDED IN THE AMENDED PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 74, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE WES 263.32 FEET THEREOF: AND LESS THE SOUTH 340.75 FEET THEREOF;

AND LESS THE RIGHT OF WAY FOR THE LAKE WORTH DRAINAGE DISTRICT L-18 CANAL AS SET FORTH IN DEED BOOK 67, PAGE 533, (AS TO THE NORTH 53 FEET OF THE NORTHWEST ¼ AS SET FORTH MORE PARTICULARLY THEREIN), PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

THE EAST 109 FEET OF THE WEST 263.32 FEET OF THE NORTH ½ OF TRACT 3, BEING A PART OF THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND INCLUDED IN THE AMENDED PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 74, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND LESS THE SOUTH 340.75 FEET THEREOF;

AND LESS THE RIGHT OF WAY FOR THE LAKE WORTH DRAINAGE DISTRICT L-18 CANAL AS SET FORTH IN DEED BOOK 67, PAGE 533, (AS TO THE NORTH 53 FEET OF THE NORTHWEST ¼ AS SET FORTH MORE PARTICULARLY THEREIN), PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

THE NORTH 56.77 FEET OF THE SOUTH 340.75 FEET OF THE NORTH ½ OD THE WEST ½ OF THE WEST ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND INCLUDED IN THE AMENDED PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 74, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

THE WEST 154.32 FEET (AS MEASURED AT RIGHT ANGLES FROM THE WEST LINE OF LOT 3) OF THE NORTH ONE-HALF (N ½) OF LOT 3; EXCEPT: THE SOUTH 340.75 FEET THEREOF, BEING A PART OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AMENDED PLAT OF SECTION 12, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 9, PAGE 74; LESS: THE RIGHT OF WAY FOR LAKE WORTH DRAINAGE DISTRICT LATERAL L-18 AS DESCRIBED IN DEED BOOK 67, PAGE 533 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND THE RIGHT OF WAY OF STATE ROAD 709 (HYPOLUXO ROAD).

CONTAINING 3.04 ACRES, MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOOK, Clerk & Comptroller (seal)
this to be a true and correct copy of the original
filed in my office on AUG 23 2006
date at West Palm Beach on 9-7-2006
By: Deputy Clerk
PALM BEACH COUNTY FLORIDA